

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

v.

DARRELL JOHNSON

**CRIMINAL ACTION
NO. 17-442**

ORDER

AND NOW, this 23rd day of July, 2019, upon consideration of the Motions To Suppress (ECF Nos. 68 and 69), and the Government's Response thereto (ECF No. 75), which indicates that the Government does not intend to introduce at trial the evidence at issue in the Motions, **IT IS ORDERED** that the Motions are **DENIED AS MOOT**.¹

BY THE COURT:

/s/ Wendy Beetlestone

WENDY BEETLESTONE, J.

¹ In light of the Government's representation that it does not intend to offer the evidence at issue, the Motions to Suppress are moot. *See, e.g., United States v. Korbe*, 2010 WL 2404388, at *1 (W.D. Pa. June 9, 2010); *United States v. Rivera*, 2017 WL 1843302, at *1 (S.D.N.Y. May 8, 2017). Further, given its present position, the Government would likely be judicially estopped from changing its view and seeking to introduce the evidence at trial. *See United States v. Sims*, 2011 WL 13143569, at *8 & n.47 (C.D. Cal. May 24, 2011), *aff'd*, 504 F. App'x 614 (9th Cir. 2013) (finding that judicial estoppel applied in similar context).